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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,095	01/13/2000	JOONAS KETURI	PM264827	6831
909	7590	08/11/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 08/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/403,095

**Applicant(s)**

KETURI, JOONAS

**Examiner**

Kevin C. Harper

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments, filed May 20, 2004, with respect to the specification objection, claim rejections under 35 USC 112, second paragraph, 35 USC 102 and 35 USC 103 have been fully considered and are persuasive. These previous rejections and objections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dahlin et al. (US 6,122,263) and Miller et al (US 6,421,707).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-8 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahlin et al. (US 6,122,263).

1. Regarding claim 1, 5-8 and 18, Dahlin discloses a method of (or server 104 for) establishing a data connection between a mobile communication system (fig. 1, items 104-106) having several terminals located therein and another telecommunications system (fig. 1, item 101) inherently supporting several protocols (col. 3, lines 58-59). The method comprises the steps of converting and communicating messages between a terminal and the telecommunications system (col. 4, lines 35-56; fig. 1, items 121-124), wherein the terminals are classified into at least two different classes based on the content of a message from a terminal (col. 3, lines 17-34; col. 5, lines 5-9), and

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wherein the protocol to be used with respect to the terminal is selected on the bases of the class of the terminal (fig. 2, steps 205, 207, 211, 221 and 231).

2. Regarding claim 3, the header of a message is used to determine the type of data (col. 4, lines 45-51 and lines 1-6).

3. Regarding claims 15-17, the server is a compact (single) network element (fig. 1, item 104) having several components (items 121-124) and is connected to the Internet.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4, 9-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlin et al. (US 6,122,263) in view of Miller et al (US 6,421,707).

4. Regarding claim 4, 9-11, 13-14 and 19, Dahlin discloses a wireless network for communicating Internet data based on the mobile terminals ability to support the HTTP protocol (col. 3, lines 20-22), where the Internet data may be low speed data. However, Dahlin does not disclose transmitting low speed data using short messages. Miller discloses transmitting low speed data using short messages (col. 10, lines 1-7 and 11-17) having filtered HTTP content. A number of short messages is sent where appropriate (col. 5, lines 58-59). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have HTTP capability through short messages in the invention of Dahlin in order to flexibly receive data without burdening a mobile system by using connection resources.

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5. Regarding claim 12, the amount and type of information determines the connection used (col. 5, lines 56-61), where information is inherently stored while being processed (fig. 1, items 121-124).

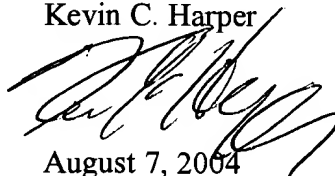
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139 (as of August 25, 2004, the number will be 571-272-3166). The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463 (as of August 25, 2004, the number will be 571-272-3174). The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see [pair.uspto.gov](http://pair.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



August 7, 2004